

EXHIBIT 6

RECEIVED

MAY 14 2009

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2 STAFFORD FREY COOPER
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11 THE HONORABLE JAMES L. ROBART
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10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE WESTERN DISTRICT OF WASHINGTON
13

14 BRENDAN DUNN, RYAN TOMPKINS,) NO. 2:08-cv-00978JLR
15 and RYAN TOMPKINS,) PLAINTIFF RYAN TOMPKINS'S
16) RESPONSES TO SET ONE OF
17 Plaintiffs,) DISCOVERY REQUESTS FROM
18) DEFENDANT CITY OF SEATTLE
19 v.)
20)
21 MATTHEW HYRA, CITY OF)
22 SEATTLE (SPD), et al.,)
23)
24 Defendants.)
25 _____)
26

27 PROPOUNDING PARTY: DEFENDANT MARTIN
28 RESPONDING PARTY: PLAINTIFF RYAN TOMPKINS
29 SET NO.: 1
30

31 COMES NOW PLAINTIFF RYAN TOMPKINS, IN THE ABOVE-NAMED
32 ACTION, THROUGH HIS ATTORNEY LAWRENCE A. HILDES, AND, RESPONDS
33 TO DEFENDANT MARTIN'S SET ONE OF DISCOVERY REQUESTS AS FOLLOWS:

34 Plaintiffs object to the extent that Defendants have exceeded the limits for this
35 type of discovery, or have used subparts and definitions to facilitate exceeding the

DUNN V. HYRA-PLAINTIFF RYAN TOMPKINS's responses to SET ONE OF Discovery requests
LAWRENCE A. HILDES (WSBA # 35035)
P.O. Box 5405
Bellingham, WA 98227
Telephone: (360) 715-9788
Fax: (360) 714-1791

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ATTORNEY FOR PLAINTIFFS

1 limits by propounding the extreme number of 84 Requests for Admissions of this
2 Plaintiff and even far more extreme numbers as to the other Plaintiffs and by piling
3 massive and ridiculous numbers of sets of discovery requests and requests within
4 those sets in order to render it impossible for Plaintiffs to fully respond .

5 Plaintiffs object to Defendants' use of discovery to vex, annoy, and abuse the
6 legal process rather than for legitimate discovery purposes. Here, Defendants ask
7 questions where the answers are either already contained in the document or require
8 legal conclusions that themselves require advanced legal training. In many of these
9 sets, Defendants have propounded interrogatories that included extensive subparts,
10 totaling over the limit for interrogatories.

11 Finally, Plaintiffs object to counsel for Defendants deliberate propounding of
12 these discovery requests while counsel for Plaintiffs was on vacation and during a
13 period that counsel had filed a notice of unavailability for and then refusing to agree to
14 an extension of time specifically to respond to these RFAs despite direct knowledge
15 that counsel for Plaintiffs was away for several days of the period involved.

16 Discovery is ongoing, and Plaintiffs reserve the right to correct, amend,,
17 supplement or change their answers to this set of discovery as further information is
18 revealed during the course of discovery.

19

20 **RESPONSES TO DISCOVERY REQUESTS**
21 **SET ONE OF DISCOVERY REQUESTS**

V. INTERROGATORIES

2 1. Identify every person who participated in answering any of these interrogatories and/or
3 requests for production, designating the interrogatory(ies) and/or request(s) for production in
4 which he or she participated in answering.

5 ANSWER: My attorney, Lawrence A. Hildes.

6 2. In Paragraph 4.2 of the Complaint you state, “Defendants acted under color of state law
7 to deprive Plaintiffs as alleged herein, of certain constitutionally protected rights including, but
8 not limited to: (a) The right not to be deprived of liberty without due process of law.” As to
9 each defendant, state every fact that supports, negates, or relates to this allegation as it relates to
10 each such defendant’s acts or omissions vis-à-vis Plaintiff TOMPKINS, identifying each
11 person and document that you believe has information that assists in establishing each such
12 fact.

13 **ANSWER:** PLAINTIFF objects to this interrogatory as actually constituting 9
14 interrogatories, which combined with the other interrogatories far exceeds the limit as
15 to interrogatories. Plaintiff will, therefore, answer as to this Defendant alone. Plaintiff
16 answers as follows: Defendant Martin advised Defendant Hyra to proceed in accosting
17 Plaintiffs without cause or justification, simply because of their perceived political
18 ideology and affiliations. He and Defendant Towne directed Hyra, Bale, and the other
19 named Defendant Officers in carrying out their illegal and tortious conduct, and then
20 lied about his observations and signed off on statements that he knew to be false as

1 to the supposed conduct of Plaintiffs and the , directly leading the to harm that
2 occurred to Plaintiffs; in addition, Martin then signed off on the reports, knowing they
3 were false, and made the decision to hold Plaintiff TOMPKINS, despite the fact that
4 there was no lawful activity by Hyra and the other defendants to obstruct, and forward
5 that charge to the prosecutor, knowing that Plaintiff Dunn had not assaulted Hyra or
6 anyone else. Thus Plaintiff TOMPKINS was held at the police station and the jail,
7 without his rights being respected or followed.

8 3. In Paragraph 4.2 of the Complaint you state, "Defendants acted under color of state law
9 to deprive Plaintiffs as alleged herein, of certain constitutionally protected rights including, but
10 not limited to:♦(b)) The right to be free from invasion or interference with Plaintiffs' zone of

11 privacy♦" As to each defendant, state every fact that supports, negates, or relates to this
12 allegation as it relates to each such defendant's acts or omissions vis-à-vis Plaintiff
13 TOMPKINS, identifying each person and document that you believe has information that
14 assists in establishing each such fact.

15 **ANSWER:** PLAINTIFF objects to this interrogatory as actually constituting 9
16 interrogatories, which combined with the other interrogatories far exceeds the limit as
17 to interrogatories. Plaintiff will, therefore, answer as to this Defendant alone. Plaintiff
18 answers as follows: Defendant Martin advised Defendant Hyra to proceed in accosting
19 Plaintiffs without cause or justification, simply because of their perceived political
20 ideology and affiliations. He and Defendant Towne directed Hyra, Bale, and the other

1 named Defendant Officers in carrying out their illegal and tortious conduct, and then
2 lied about his observations and signed off on statements that he knew to be false as
3 to the supposed conduct of Plaintiffs, directly leading the to harm that occurred to
4 Plaintiffs; in addition, Martin then signed off on the reports, knowing they were false,
5 and made the decision to hold Plaintiff TOMPKINS, despite the fact that there was no
6 lawful activity by Hyra and the other defendants to obstruct, and forward that charge to
7 the prosecutor, knowing that Plaintiff TOMPKINS had not interfered with any lawful
8 actions by Defendant Hyra or anyone else. Thus Plaintiff TOMPKINS was held at the
9 police station and the jail, without his rights being respected or followed.

10 Plaintiff TOMPKINS, was violently seized by, among other officers, Sgt. Martin,
11 who used that force, unjustified, as TOMPKINS had violated no law and was merely
12 seeking to take a picture of Hyra's illegal conduct when Hyra rode into him, injured him
13 and then grabbed him, to arrest him and drag him away all of this violating Plaintiff's
14 zone of privacy.

15

16 4. In Paragraph 4.2 of the Complaint you state, "Defendants acted under color of state law
17 to deprive Plaintiffs as alleged herein, of certain constitutionally protected rights including, but
18 not limited to:♦(c) The right to equal protection of the law♦" As to each defendant, state
19 every fact that supports, negates, or relates to this allegation as it relates to each such

1 defendant's acts or omissions vis-à-vis Plaintiff TOMPKINS, identifying each person and
2 document that you believe has information that assists in establishing each such fact.

3 **ANSWER:** Plaintiff answers as follows: Defendant Martin advised Defendant Hyra to
4 proceed in accosting Plaintiffs without cause or justification, simply because of their
5 perceived political ideology and affiliations. He and Defendant Towne directed Hyra,
6 Bale, and the other named Defendant Officers in carrying out their illegal and tortious
7 conduct, and then lied about his observations and signed off on statements that he
8 knew to be false as to the supposed conduct of Plaintiffs, directly leading the to harm
9 that occurred to Plaintiffs; in addition, Martin then signed off on the reports, knowing
10 they were false, and made the decision to hold Plaintiff TOMPKINS, despite the fact
11 that there was no lawful activity by Hyra and the other defendants to obstruct, and
12 forward that charge to the prosecutor, knowing that Plaintiff TOMPKINS had not
13 interfered with any lawful actions by Defendant Hyra or anyone else. Thus Plaintiff
14 TOMPKINS was held at the police station and the jail, without his rights being,
15 respected or followed.

16 Defendant Martin participated in the arrest of Plaintiff TOMPKINS knowing that
17 Plaintiff TOMPKINS had not interfered with any lawful actions by Defendant Hyra or
18 anyone else. Plaintiffs were singled out for discriminatory law enforcement, not based
19 on any criminal activity, which they committed none of, but based on their perceived
20 political views and affiliations, violating their First Amendment Rights to Freedom of
21 Speech and Association.

1
2 5. In Paragraph 4.2 of the Complaint you state, "Defendants acted under color of state law
3 to deprive Plaintiffs as alleged herein, of certain constitutionally protected rights including, but
4 not limited to:♦(d) The riight to be free from unreasonable search and seizure♦ ♦" As to
5 each defendant, state every fact that supports, negates, or relates to this allegation as it relates to
6 each such defendant's acts or omissions vis-à-vis Plaintiff TOMPKINS, identifying each
7 person and document that you believe has information that assists in establishing each such
8 fact.

9 **ANSWER:** Plaintiff answers as follows: Defendant Martin advised Defendant Hyra to
10 proceed in accosting Plaintiffs without cause or justification, simply because of their
11 perceived political ideology and affiliations. He and Defendant Towne directed Hyra,
12 Bale, and the other named Defendant Officers in carrying out their illegal and tortious
13 conduct, and then lied about his observations and signed off on statements that he
14 knew to be false as to the supposed conduct of Plaintiffs, directly leading the to harm
15 that occurred to Plaintiffs; in addition, Martin then signed off on the reports, knowing
16 they were false, and made the decision to hold Plaintiff TOMPKINS, despite the fact
17 that there was no lawful activity by Hyra and the other defendants to obstruct, and
18 forward that charge to the prosecutor, knowing that Plaintiff TOMPKINS had not
19 interfered with any lawful actions by Defendant Hyra or anyone else. Thus Plaintiff

1 TOMPKINS was held at the police station and the jail, without his rights being
2 respected or followed.

3 Plaintiff TOMPKINS, was violently seized by, among other officers, Sgt. Martin,
4 who used that force, unjustified, as TOMPKINS had violated no law and was merely
5 seeking to take a picture of Hyra's illegal conduct when Hyra rode into him, injured him
6 and then grabbed him, to arrest him and drag him away all of this violating Plaintiff's
7 zone of privacy.

8

9 6. In Paragraph 4.2 of the Complaint you state, "Defendants acted under color of state law
10 to deprive Plaintiffs as alleged herein, of certain constitutionally protected rights including, but
11 not limited to:♦(e) TThe right to be free from police use of excessive force..." As to each
12 defendant, state every fact that supports, negates, or relates to this allegation as it relates to each
13 such defendant's acts or omissions vis-à-vis Plaintiff TOMPKINS, identifying each person and
14 document that you believe has information that assists in establishing each such fact.

15 **ANSWER:** Plaintiff answers as follows: Defendant Martin advised Defendant Hyra to
16 proceed in accosting Plaintiffs without cause or justification, simply because of their
17 perceived political ideology and affiliations. He and Defendant Towne directed Hyra,
18 Bale, and the other named Defendant Officers in carrying out their illegal and tortious
19 conduct, and then lied about his observations and signed off on statements that he
20 knew to be false as to the supposed conduct of Plaintiffs, directly leading the to harm

1 that occurred to Plaintiffs; in addition, Martin then signed off on the reports, knowing
2 they were false, and made the decision to hold Plaintiff TOMPKINS, despite the fact
3 that there was no lawful activity by Hyra and the other defendants to obstruct, and
4 forward that charge to the prosecutor, knowing that Plaintiff TOMPKINS had not
5 interfered with any lawful actions by Defendant Hyra or anyone else. Thus Plaintiff
6 TOMPKINS was held at the police station and the jail, without his rights being
7 respected or followed.

8 Plaintiff TOMPKINS, was violently seized by, among other officers, Sgt. Martin,
9 who used that force, unjustified, as TOMPKINS had violated no law and was merely
10 seeking to take a picture of Hyra's illegal conduct when Hyra rode into him, injured him
11 and then grabbed him, to arrest him and drag him away.

12

13 7. In Paragraph 4.2 of the Complaint you state, "Defendants acted under color of state law
14 to deprive Plaintiffs as alleged herein, of certain constitutionally protected rights including, but
15 not limited to:♦(f) The right to be free from discriminatory law enforcement♦" As to each
16 defendant, state every fact that supports, negates, or relates to this allegation as it relates to each
17 such defendant's acts or omissions vis-à-vis Plaintiff TOMPKINS, identifying each person and
18 document that you believe has information that assists in establishing each such fact.

19 **ANSWER:** Plaintiff answers as follows: Defendant Martin advised Defendant Hyra to
20 proceed in accosting Plaintiffs without cause or justification, simply because of their

1 perceived political ideology and affiliations. He and Defendant Towne directed Hyra,
2 Bale, and the other named Defendant Officers in carrying out their illegal and tortious
3 conduct, and then lied about his observations and signed off on statements that he
4 knew to be false as to the supposed conduct of Plaintiffs, directly leading the to harm
5 that occurred to Plaintiffs; in addition, Martin then signed off on the reports, knowing
6 they were false, and made the decision to hold Plaintiff TOMPKINS, despite the fact
7 that there was no lawful activity by Hyra and the other defendants to obstruct, and
8 forward that charge to the prosecutor, knowing that Plaintiff TOMPKINS had not
9 interfered with any lawful actions by Defendant Hyra or anyone else. Thus Plaintiff
10 TOMPKINS was held at the police station and the jail, without his rights being
11 respected or followed.

12 Defendant Martin participated in the arrest of Plaintiff TOMPKINS knowing that
13 Plaintiff TOMPKINS had not interfered with any lawful actions by Defendant Hyra or
14 anyone else. Plaintiffs were singled out for discriminatory law enforcement, not based
15 on any criminal activity, which they committed none of, but based on their perceived
16 political views and affiliations, violating their First Amendment Rights to Freedom of
17 Speech and Association.

18

19 8. In Paragraph 4.2 of the Complaint you state, "Defendants acted under color of state law
20 to deprive Plaintiffs as alleged herein, of certain constitutionally protected rights including, but

1 not limited to:♦(g) The right to be free from cruel and unusual punishment..." As to each
2 defendant, state every fact that supports, negates, or relates to this allegation as it relates to each
3 such defendant's acts or omissions vis-à-vis Plaintiff TOMPKINS, identifying each person and
4 document that you believe has information that assists in establishing each such fact.

5 **ANSWER:** Plaintiff answers as follows: Defendant Martin advised Defendant
6 Hyra to proceed in accosting Plaintiffs without cause or justification, simply because of
7 their perceived political ideology and affiliations. He and Defendant Towne directed
8 Hyra, Bale, and the other named Defendant Officers in carrying out their illegal and
9 tortious conduct, and then lied about his observations and signed off on statements
10 that he knew to be false as to the supposed conduct of Plaintiffs, directly leading the
11 to harm that occurred to Plaintiffs; in addition, Martin then signed off on the reports,
12 knowing they were false, and made the decision to hold Plaintiff TOMPKINS, despite
13 the fact that there was no lawful activity by Hyra and the other defendants to obstruct,
14 and forward that charge to the prosecutor, knowing that Plaintiff TOMPKINS had not
15 interfered with any lawful actions by Defendant Hyra or anyone else. Thus Plaintiff
16 TOMPKINS was held at the police station and the jail, without his rights being
17 respected or followed.

18 Defendant Martin participated in the arrest of Plaintiff TOMPKINS knowing that
19 Plaintiff TOMPKINS had not interfered with any lawful actions by Defendant Hyra or
20 anyone else. Plaintiffs were singled out for discriminatory law enforcement, not based

1 on any criminal activity, which they committed none of, but based on their perceived
2 political views and affiliations, violating their First Amendment Rights to Freedom of
3 Speech and Association.

4 This constituted an act by Defendants to inflict punishment on Plaintiffs without
5 benefit of a trial, or any adjudication, despite clear knowledge that Plaintiff had
6 violated no law. Because of the extremity of Defendants' actions and the lack of
7 wrong-doing on the part of Plaintiffs, Martin's activity and that of the other Defendants
8 constitutes cruel and unusual punishment.

9 9. In Paragraph 4.2 of the Complaint you state, "Defendants acted under color of state law
10 to deprive Plaintiffs as alleged herein, of certain constitutionally protected rights including, but
11 not limited to:... (h) The Rights to participate in a peaceful and lawful First Amendment
12 exercise, to Freely Express his political views, to Petition the Government for Redress of
13 Grievances, to Freely Associate with and Assemble with others to do so without fear of
14 wrongful arrest for doing so♦" As to each defendant, state every fact that supports, negates, or
15 relates to this allegation as it relates to each such defendant's acts or omissions vis-à-vis
16 Plaintiff TOMPKINS, identifying each person and document that you believe has information
17 that assists in establishing each such fact.

18 ANSWER Plaintiff answers as follows: Defendant Martin advised Defendant Hyra to
19 proceed in accosting Plaintiffs without cause or justification, simply because of their
20 perceived political ideology and affiliations. He and Defendant Towne directed Hyra,

1 Bale, and the other named Defendant Officers in carrying out their illegal and tortious
 2 conduct, and then lied about his observations and signed off on statements that he
 3 knew to be false as to the supposed conduct of Plaintiffs, directly leading the to harm
 4 that occurred to Plaintiffs; in addition, Martin then signed off on the reports, knowing
 5 they were false, and made the decision to hold Plaintiff TOMPKINS, despite the fact
 6 that there was no lawful activity by Hyra and the other defendants to obstruct, and
 7 forward that charge to the prosecutor, knowing that Plaintiff TOMPKINS had not
 8 interfered with any lawful actions by Defendant Hyra or anyone else. Thus Plaintiff
 9 TOMPKINS was held at the police station and the jail, without his rights being
 10 respected or followed.

11 Plaintiffs were singled out for discriminatory law enforcement, not based on
 12 any criminal activity, which they committed none of, but based on their perceived
 13 political views and affiliations, violating their First Amendment Rights to Freedom of
 14 Speech and Association. This prevented Plaintiffs from participated in the planned
 15 and permitted march, wherein they would be able to carry out their First Amendment
 16 rights to free speech, expression, and to petition the government for redress of
 17 grievances, because the involved officers did not like their perceived politics and the
 18 symbols related thereto,

19

20 10. In Paragraph 4.2 of the Complaint you state, "Defendants acted under color of state law
 21 to deprive Plaintiffs as alleged herein, of certain constitutionally protected rights including, but

1 not limited to:♦(i) The right to be free from False Arrest, False Imprisonment, and Malicious
2 Prosecution, all in violation of [Plaintiffs'] Fourth and Fifth Amendment Rights." As to each
3 defendant, state every fact that supports, negates, or relates to this allegation as it relates to each
4 such defendant's acts or omissions vis-à-vis Plaintiff TOMPKINS, identifying each person and
5 document that you believe has information that assists in establishing each such fact.

6 **ANSWER:** See responses to Interrogatories 1-9 as to Sgt. Martin. In addition, by
7 writing, signing off on and sending false reports as to activities that Plaintiff had not
8 engaged in, Sgt. Martin caused Plaintiff TOMPKINS to be prosecuted, despite his
9 having committed no crime, terminated months later when the court dismissed for lack
10 of probable cause.

11 11. In Paragraph 4.3 of the Complaint you state, "Defendants acted by provocative conduct
12 ♦." As to each defendant, state every fact that supports, negates, or relates to this allegation as
13 it relates to each such defendant's acts or omissions vis-à-vis Plaintiff TOMPKINS, identifying
14 each person and document that you believe has information that assists in establishing each
15 such fact.

16 **ANSWER:** See responses to Interrogatories 1-10. All of this conduct was designed to
17 provoke a response to justify the arrests, when it didn't do so, they arrested Plaintiffs
18 anyway.

1 12. In Paragraph 4.3 of the Complaint you state, “Defendants acted by [♦] conversion of
2 lawful property ♦.” As to each defendant, state every fact that supports, negates, or relates to
3 this allegation as it relates to each such defendant’s acts or omissions vis-à-vis Plaintiff
4 TOMPKINS, identifying each person and document that you believe has information that
5 assists in establishing each such fact.

6 **ANSWER:** Plaintiff was lawfully possessed a flag that belonged to Plaintiff Dunn, a
7 First Amendment protected symbol. Martin acted to justify and enforce Hyra’s illegal
8 conversion of that flag, which continues to this day.

9 13. In Paragraph 4.3 of the Complaint you state, “Defendants acted by [♦] verbal threat and
10 intimidation ♦.” As to each defendant, state every fact that supports, negates, or relates to this
11 allegation as it relates to each such defendant’s acts or omissions vis-à-vis Plaintiff
12 TOMPKINS, identifying each person and document that you believe has information that
13 assists in establishing each such fact.

14 **ANSWER: See responses to Interrogatory 1-12.**

15 14. In Paragraph 4.3 of the Complaint you state, “Defendants acted by [♦] use of force
16 ♦.”<♦♦ As to each defendant, state every fact that supports, negates, or relates to this
17 allegation as it relates to each such defendant’s acts or omissions vis-à-vis Plaintiff

1 TOMPKINS, identifying each person and document that you believe has information that
2 assists in establishing each such fact.

3 **ANSWER:** Plaintiff answers as follows: Defendant Martin advised Defendant Hyra to
4 proceed in accosting Plaintiffs without cause or justification, simply because of their
5 perceived political ideology and affiliations. He and Defendant Towne directed Hyra,
6 Bale, and the other named Defendant Officers in carrying out their illegal and tortious
7 conduct, and then lied about his observations and signed off on statements that he
8 knew to be false as to the supposed conduct of Plaintiffs, directly leading the to harm
9 that occurred to Plaintiffs; in addition, Martin then signed off on the reports, knowing
10 they were false, and made the decision to hold Plaintiff TOMPKINS, despite the fact
11 that there was no lawful activity by Hyra and the other defendants to obstruct, and
12 forward that charge to the prosecutor, knowing that Plaintiff TOMPKINS had not
13 interfered with any lawful actions by Defendant Hyra or anyone else. Thus Plaintiff
14 TOMPKINS was held at the police station and the jail, without his rights being
15 respected or followed.

16 Plaintiff TOMPKINS, was violently seized by, among other officers, Sgt. Martin, who
17 used that force, unjustified as TOMPKINS had violated no law, to arrest him and drag
18 him away.

19

1 15. In Paragraph 4.3 of the Complaint you state, "Defendants acted by [♦] unjustified arrest
2 ♦." As to each defendant, state every fact that supports, negates, or relates to this allegation as
3 it relates to each such defendant's acts or omissions vis-à-vis Plaintiff TOMPKINS, identifying
4 each person and document that you believe has information that assists in establishing each
5 such fact.

6 **ANSWER:** See responses to Interrogatories 1-14

7 16. In Paragraph 4.3 of the Complaint you state, "Defendants acted by [♦] false
8 imprisonment ♦."&nbssp; As to each defendant, state every fact that supports, negates, or
9 relates to this allegation as it relates to each such defendant's acts or omissions vis-à-vis
10 Plaintiff TOMPKINS, identifying each person and document that you believe has information
11 that assists in establishing each such fact.

12 **ANSWER:** PLAINTIFF objects to this interrogatory as actually constituting 9
13 interrogatories, which combined with the other interrogatories far exceeds the limit as
14 to interrogatories. Plaintiff will, therefore, answer as to this Defendant alone. Plaintiff
15 answers as follows Plaintiff answers as follows: Defendant Martin advised Defendant
16 Hyra to proceed in accosting Plaintiffs without cause or justification, simply because of
17 their perceived political ideology and affiliations. He and Defendant Towne directed
18 Hyra, Bale, and the other named Defendant Officers in carrying out their illegal and
19 tortious conduct, and then lied about his observations and signed off on statements

1 that he knew to be false as to the supposed conduct of Plaintiffs, directly leading the
2 to harm that occurred to Plaintiffs; in addition, Martin then signed off on the reports,
3 knowing they were false, and made the decision to hold Plaintiff TOMPKINS, despite
4 the fact that there was no lawful activity by Hyra and the other defendants to obstruct,
5 and forward that charge to the prosecutor, knowing that Plaintiff TOMPKINS had not
6 interfered with any lawful actions by Defendant Hyra or anyone else. Thus Plaintiff
7 TOMPKINS was held at the police station and the jail, without his rights being
8 respected or followed.

9 Plaintiff TOMPKINS, was violently seized by, among other officers, Sgt. Martin, who
10 used that force, unjustified as TOMPKINS had violated no law, to arrest him and drag
11 him away.

12

13

14 17. In Paragraph 4.3 of the Complaint you state, “Defendants acted by [♦] ratifying
15 personally the above listed conducts ♦.” As to each defendant, state every fact that supports,
16 negates, or relates to this allegation as it relates to each such defendant’s acts or omissions vis-
17 à-vis Plaintiff TOMPKINS, identifying each person and document that you believe has
18 information that assists in establishing each such fact.

19 **ANSWER: SEE REPOSNES TO INTERROGATORIES 1-16.**

1 18. In Paragraph 4.3 of the Complaint you state, "Defendants acted by [REDACTED] cruel and
2 unusual punishment [REDACTED]."<&nbssp As to each defendant, state every fact that supports, negates,
3 or relates to this allegation as it relates to each such defendant's acts or omissions vis-à-vis
4 Plaintiff TOMPKINS, identifying each person and document that you believe has information
5 that assists in establishing each such fact.

6 **ANSWER:** Plaintiff answers as follows: Defendant Martin advised Defendant
7 Hyra to proceed in accosting Plaintiffs without cause or justification, simply because of
8 their perceived political ideology and affiliations. He and Defendant Towne directed
9 Hyra, Bale, and the other named Defendant Officers in carrying out their illegal and
10 tortious conduct, and then lied about his observations and signed off on statements
11 that he knew to be false as to the supposed conduct of Plaintiffs, directly leading the
12 to harm that occurred to Plaintiffs; in addition, Martin then signed off on the reports,
13 knowing they were false, and made the decision to hold Plaintiff TOMPKINS, despite
14 the fact that there was no lawful activity by Hyra and the other defendants to obstruct,
15 and forward that charge to the prosecutor, knowing that Plaintiff TOMPKINS had not
16 interfered with any lawful actions by Defendant Hyra or anyone else. Thus Plaintiff
17 TOMPKINS was held at the police station and the jail, without his rights being
18 respected or followed.

19 Defendant Martin participated in the arrest of Plaintiff TOMPKINS knowing that
20 Plaintiff TOMPKINS had not interfered with any lawful actions by Defendant Hyra or

1 anyone else. Plaintiffs were singled out for discriminatory law enforcement, not based
2 on any criminal activity, which they committed none of, but based on their perceived
3 political views and affiliations, violating their First Amendment Rights to Freedom of
4 Speech and Association.

5 This constituted an act by Defendants to inflict punishment on Plaintiffs without
6 benefit of a trial, or any adjudication, despite clear knowledge that Plaintiff had
7 violated no law. Because of the extremity of Defendants' actions and the lack of
8 wrong-doing on the part of Plaintiffs, Martin's activity and that of the other Defendants
9 constitutes cruel and unusual punishment.

10

11 19. In Paragraph 4.4 of the Complaint you state, “[b]y knowingly providing false
12 information to the prosecutors to ensure that Plaintiffs were prosecuted♦.” AAs to each
13 defendant, state every fact that supports, negates, or relates to your allegation that false
14 information was provided to the prosecutor to ensure prosecution, identifying each person and
15 document that you believe has information that assists in establishing each such fact.

16 **ANSWER:** See responses to Interrogatories 1-8 as to Sgt., Martin. In addition,
17 by writing, signing off on and sending false reports as to activities that Plaintiff had not
18 engaged in, Sgt. Martin caused Plaintiff TOMPKINS to be prosecuted, despite his
19 having committed no crime, terminated many months later when the court dismissed
20 the case for lack of probable cause based on the illegality of the Officers' conduct.

1 20. In Paragraph 2.24 (page 13, ll. 1-2) of the Complaint, you state that "These actions were
2 ratified by supervising Defendants MARTIN, HAYES, and TOWNES." State every fact that
3 supports, negates, or relates to this allegation as it relates to Sgt. Martin's actions with respect
4 to Plaintiff TOMPKINS, identifying each person and document that you believe has
5 information that assists in establishing each such fact.

6 **ANSWER:** Plaintiff answers as follows: Defendant Martin advised Defendant
7 Hyra to proceed in accosting Plaintiffs without cause or justification, simply because of
8 their perceived political ideology and affiliations. He and Defendant Towne directed
9 Hyra, Bale, and the other named Defendant Officers in carrying out their illegal and
10 tortious conduct, and then lied about his observations and signed off on statements
11 that he knew to be false as to the supposed conduct of Plaintiffs, directly leading the
12 to harm that occurred to Plaintiffs; in addition, Martin then signed off on the reports,
13 knowing they were false, and made the decision to hold Plaintiff TOMPKINS, despite
14 the fact that there was no lawful activity by Hyra and the other defendants to obstruct,
15 and forward that charge to the prosecutor, knowing that Plaintiff TOMPKINS had not
16 interfered with any lawful actions by Defendant Hyra or anyone else. Thus Plaintiff
17 TOMPKINS was held at the police station and the jail, without his rights being
18 respected or followed.

19 Defendant Martin participated in the arrest of Plaintiff TOMPKINS knowing that
20 Plaintiff TOMPKINS had not interfered with any lawful actions by Defendant Hyra or
21 anyone else. Plaintiffs were singled out for discriminatory law enforcement, not based

1 on any criminal activity, which they committed none of, but based on their perceived
2 political views and affiliations, violating their First Amendment Rights to Freedom of
3 Speech and Association.

4 This constituted an act by Defendants to inflict punishment on Plaintiffs without
5 benefit of a trial, or any adjudication, despite clear knowledge that Plaintiff had
6 violated no law. Because of the extremity of Defendants' actions and the lack of
7 wrong-doing on the part of Plaintiffs, Martin's activity and that of the other Defendants
8 constitutes cruel and unusual punishment.

9 See police reports and dismissal order by Judge Hightower.

10

11 21. State all claims asserted by Plaintiff TOMPKINS against Sgt. Martin, and, as to
12 each, set forth each and every fact that supports, negates, or relates to such claim.

13 **ANSWER:** SEE RESPONSES TO INTERROGATPRIES 1-20. Violation of
14 Constitutional Rights under color of authority and all common law torts alleged.

15

16 22. Below you will find requests for production. For each document that is responsive to
17 the requests for production which you either produced in redacted form or did not produce at
18 all, identify the document and the basis for the redaction or failure to produce it.

19 **ANSWER:** Plaintiff will produce all relevant documents.

20 **VI. REQUESTS FOR PRODUCTION**

21 1. Produce any document identified in any of the answers to the preceding interrogatories.

1 RESPONSE: PLAINTIFF WILL PRODUCE ALL SUCH DOCUMENTS

2 2. Produce a copy of any document you reviewed in answering any of the preceding
3 interrogatories and/or preceding or subsequent requests for production irrespective of whether
4 you obtained any part of your answer or response from that document.

5 RESPONSE: PLAINTIFF WILL PRODUCE ALL SUCH DOCUMENTS

6 3. Produce all documents that you contend support, or lend support to, any of your
7 responses to the above interrogatories.

8 RESPONSE: PLAINTIFF WILL PRODUCE ALL SUCH DOCUMENTS

9 4. Produce all documents that you contend support, negate, or relate to the claims asserted
10 by Plaintiff TOMPKINS against Sgt. Martin.

11 RESPONSE: PLAINTIFF WILL PRODUCE ALL SUCH DOCUMENTS

VERIFICATION

13 I, RYAN TOMPKINS, certify and declare under penalty of perjury under the laws of the State
14 of Washington and the United States that I am a Plaintiff in this action, and that I have read the
15 answers to the foregoing interrogatories and requests for production and the answers thereto,
16 know the contents thereof, and believe all the answers to be true.

17 SIGNED at _____, _____, on this _____ day of
18 _____, 2009.

RYAN TOMPKINS

DUNN V. HYRA-PLAINTIFF RYAN TOMPKINS's responses to SET ONE OF Discovery requests
LAWRENCE A. HILDES (WSBA # 35035)
P.O. Box 5405
Bellingham, WA 98227
Telephone: (360) 715-9788
Fax: (360) 714-1791

ATTORNEY'S CR 26 CERTIFICATION

The undersigned attorney certifies, pursuant to Civil Rule 26(g), that he has read each response and objection to these discovery requests, and that, to the best of his knowledge, information, and belief formed after a reasonable inquiry, each is: (1) consistent with the Federal Rules of Civil Procedure and warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law; (2) not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the costs of litigation; and (3) not unreasonably or unduly burdensome or expensive, given the needs of the case, the discovery already had in the case, the amount in controversy, and the importance of the issues at stake in the litigation.

RESPONSES dated this 12th day of May, 2009 at Bethlehem,

14 Washington.

Lorraine A. Hild

Lawrence A. Hildes, WSBA #35035
Attorney for Plaintiffs

1

2

3

PROOF OF SERVICE

4

5 Lawrence A. Hildes certifies as follows:

6

7 I am over the age of 18 years, and not a party to this action. I am a citizen of the United States.

8 My business address is P.O. Box 5405, Bellingham, WA 98227

9 On April 6, 2009, I served the following documents(s) described as follows

10

11 PLAINTIFF'S RESPONSES TO SET ONE OF RFAs from All Defendants
12 on the following persons(s) in this action at the following addresses:

13

14 HEATHER CARR

15 STAFFORD FRYE COOPER

16 601 Union Street, Suite 3100

17 Seattle WA 98101.1374

18

[x] (BY FIRST CLASS MAIL) by placing a true copy of the above documents in a sealed envelope with postage fully prepaid in the mail at Bellingham, WA, addressed to the person(s) above at the above address

19

20 [] By electronically serving, by filing an electronic copy with the court in such a way that notice will be sent to counsel for Defendant

21

22 [X] (FEDERAL) I declare under penalty of perjury that I am a member of the BAR of this court, and that the above information is true and correct.

23

24 Executed on May 12, 2009, at Bellingham, Washington.

25

26

27

28 

29

30

31

32

33 LAWRENCE A. HILDES

34

DUNN V. HYRA-PLAINTIFF RYAN TOMPKINS's responses to SET ONE OF Discovery requests
LAWRENCE A. HILDES (WSBA # 35035)

P.O. Box 5405

Bellingham, WA 98227

Telephone: (360) 715-9788

Fax: (360) 714-1791

ATTORNEY FOR PLAINTIFFS

EXHIBIT 7

THE HONORABLE JAMES L. ROBART

RECENT

MAY 28 2003

STAFFORD FREY COOPER

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

BRENDAN DUNN, JACOB ERWIN,
and RYAN TOMPKINS,
Plaintiffs,
v.
MATTHEW HYRA, CITY OF
SEATTLE (SPD), et al.,
Defendants.) NO. 2:08-cv-00978JLR
) PLAINTIFF BRENDAN DUNN'S
) RESPONSES TO SET ONE OF
) DISCOVERY REQUESTS FROM
) DEFENDANT TOWNE
)
)
)
)
)
)

PROPOUNDING PARTY: DEFENDANT TOWNE

RESPONDING PARTY: PLAINTIFF BRENDAN DUNN

SET NO.: 1

31 **COMES NOW PLAINTIFF BRENDAN DUNN, IN THE ABOVE-NAMED**
32 ACTION, THROUGH HIS ATTORNEY LAWRENCE A. HILDES, AND, RESPONDS
33 TO DEFENDANT TOWNE'S SET ONE OF DISCOVERY REQUESTS AS FOLLOWS:

DUNN V. HYRA-PLAINTIFF Brendan Dunn's Responses to SET 1 of Discovery Requests from Defendant Towne
LAWRENCE A. HILDES (WSBA # 35035)
P.O. Box 5405
Bellingham, WA 98227
Telephone: (360) 715-9788
Fax: (360) 714-1791

1 Plaintiffs object to the extent that Defendants have exceeded the limits for this
2 type of discovery, or have used subparts and definitions to facilitate exceeding the
3 limits by propounding the extreme number of 84 Requests for Admissions of this
4 Plaintiff and even far more extreme numbers as to the other Plaintiffs and by piling
5 massive and ridiculous numbers of sets of discovery requests and requests within
6 those sets in order to render it impossible for Plaintiffs to fully respond .

7 Plaintiffs object to Defendants' use of discovery to vex, annoy, and abuse the
8 legal process rather than for legitimate discovery purposes. Here, Defendants ask
9 questions where the answers are either already contained in the document or require
10 legal conclusions that themselves require advanced legal training. In many of these
11 sets, Defendants have propounded interrogatories that included extensive subparts,
12 totaling over the limit for interrogatories.

13 Finally, Plaintiffs object to counsel for Defendants deliberate propounding of
14 these discovery requests while counsel for Plaintiffs was on vacation and during a
15 period that counsel had filed a notice of unavailability for and then refusing to agree to
16 an extension of time specifically to respond to these RFAs despite direct knowledge
17 that counsel for Plaintiffs was away for several days of the period involved.

18 Discovery is ongoing, and Plaintiffs reserve the right to correct, amend,
19 supplement or change their answers to this set of discovery as further information is
20 revealed during the course of discovery.

21

22

1 **RESPONSES TO DISCOVERY REQUESTS**
2 **SET ONE OF DISCOVERY REQUESTS**

3 **INTERROGATORIES**

4 1. Identify every person who participated in answering any of these interrogatories and/or
5 requests for production, designating the interrogatory(ies) and/or request(s) for production in
6 which he or she participated in answering.

7 **ANSWER:** My attorney, Lawrence A. Hildes.

8 2. State every fact that supports, negates, or relates to your allegations in Paragraph 4.10 of
9 the Complaint that Lieutenant Towne ratified and approved [the] inappropriate, illegal, and
10 tortious conduct and intentional acts of Defendants Hyra, Bales, Roberson, Skommesa, Avery,
11 Greeley, and Martin to deprive Plaintiff Dunn of his rights, identifying each person and
12 document that you believe has information that assists in establishing each such fact..

13 **ANSWER:** PLAINTIFF objects to this interrogatory as actually constituting 7
14 interrogatories, which combined with the other interrogatories far exceeds the limit as
15 to interrogatories. Plaintiff will, therefore, answer as to this Defendant alone. Plaintiff
16 answers as follows: Defendant Hyra spoke with Defendants Towne and Martin, who
17 specifically approved his course of illegal conduct. They then observed the illegal
18 conduct by the Officers listed in the interrogatory. In addition, TOWNE then signed off
19 on the reports, knowing they were false, and made the decision to hold Plaintiff Dunn
20 on a felony assault charge and forward that charge to the prosecutor, knowing that
21 Plaintiff Dunn had not assaulted Hyra or anyone else. Thus Plaintiff Dunn was held at

DUNN V. HYRA-PLAINTIFF Brendan Dunn's Responses to SET 1 of Discovery Requests from Defendant
Towne
LAWRENCE A. HILDES (WSBA # 35035)
P.O. Box 5405
Bellingham, WA 98227
Telephone: (360) 715-9788
Fax: (360) 714-1791

ATTORNEY FOR PLAINTIFFS

1 the police station and the jail, without his rights being respected or followed. See the
2 reports and Defendant Hyra's answers to interrogatories
3 3. State every fact that supports, negates, or relates to your allegations in Paragraph 4.10 of
4 the Complaint that Lieutenant Towne failed to properly supervise, train, and discipline
5 Defendants Hyra, Bales, Roberson, Skommesa, Avery, and Greeley as the alleged failure relates
6 to Plaintiff Dunn, identifying each person and document that you believe has information that
7 assists in establishing each such fact.

8 **ANSWER:** PLAINTIFF objects to this interrogatory as actually constituting 7
9 interrogatories, which combined with the other interrogatories far exceeds the limit as
10 to interrogatories. Plaintiff will, therefore, answer as to this Defendant alone. Plaintiff
11 answers as follows: Defendant Hyra spoke with Defendants Towne and Martin, who
12 specifically approved his course of illegal conduct. They then observed the illegal
13 conduct by the Officers listed in the interrogatory. In addition, TOWNE then signed off
14 on the reports, knowing they were false, and made the decision to hold Plaintiff Dunn
15 on a felony assault charge and forward that charge to the prosecutor, knowing that
16 Plaintiff Dunn had not assaulted Hyra or anyone else. Thus Plaintiff Dunn was held at
17 the police station and the jail, without his rights being respected or followed. See the
18 reports and Defendant Hyra's answers to interrogatories. All of this constitutes failure
19 to properly supervise. In addition, by approving and ratifying the conduct, Defendant
20 Towne trained Defendants to engage in specifically Constitutionally violative conduct.

1 In addition, there is no evidence that any of the Defendants were ever investigated or
2 disciplined for any aspect of this incident.

3

4 4. In Paragraph 2.24 (page 13, ll. 1-2) of the Complaint, you state These actions
5 were ratified by supervising Defendants MARTIN, HAYES, and TOWNES. State every fact
6 that supports, negates, or relates to this allegation as it relates to Lt. Townes actions with
7 respect to Plaintiff Dunn, identifying each person and document that you believe has
8 information that assists in establishing each such fact.

9 **ANSWER:** See response to interrogatory 3 above..

10 5. **State all claims asserted by Plaintiff Dunn against Lt. Towne, and, as to**
11 **each, set forth each and every fact that supports, negates, or relates to such claim.**

12 **ANSWER:** Plaintiff answers as follows: Defendant TOWNE approved Hyra's
13 course of conduct as his supervisor in advance, leading directly to all of the harm
14 involved. In addition, TOWNE then signed off on the reports, knowing they were false,
15 and made the decision to hold Plaintiff Dunn on a felony assault charge and forward
16 that charge to the prosecutor, knowing that Plaintiff Dunn had not assaulted Hyra or
17 anyone else. Thus Plaintiff Dunn was held at the police station and the jail, without his
18 rights being respected or followed. Defendant Dunn acted to legitimize and signed off
19 on Hyra's wrongful seizure of Plaintiff Dunn's flag, unjustified by law, and then the
20 unlawful arrest of Dunn, which he lied about. In addition, Defendant Towne continued

1 to supervise Defendants' actions in relation to this incident, subsequent to Plaintiffs'
2 arrests. Therefore, Defendant Towne is liable for the Civil Rights Violations, as well as
3 all of the Torts, since they directly resulted from his supervision. See Plaintiff's claims,
4 Defendants reports, and discovery responses of Hyra.

5

6 6. Below you will find requests for production. For each document that is
7 responsive to the requests for production which you either produced in redacted form or did not
8 produce at all, identify the document and the basis for the redaction or failure to produce it.

9 **ANSWER:** In addition to the above documents, see the letter from the attorney for the
10 Seattle Police Department to counsel for Plaintiff's re: the alert code on Plaintiff Dunn.

11 **VI. REQUESTS FOR PRODUCTION**

12 1. Produce any document identified in any of the answers to the preceding interrogatories.

13 **RESPONSE: PLAINTIFF WILL PRODUCE ALL SUCH DOCUMENTS**

14 2. Produce a copy of any document you reviewed in answering any of the preceding
15 interrogatories and/or preceding or subsequent requests for production irrespective of whether
16 you obtained any part of your answer or response from that document.

17 **RESPONSE: PLAINTIFF WILL PRODUCE ALL SUCH DOCUMENTS**

18 3. Produce all documents that you contend support, or lend support to, any of your
19 responses to the above interrogatories.

20 **RESPONSE: PLAINTIFF WILL PRODUCE ALL SUCH DOCUMENTS**

1 4. Produce all documents that you contend support, negate, or relate to the claims asserted
2 by Plaintiff Dunn against LT. Towne.

3 **RESPONSE: PLAINTIFF WILL PRODUCE ALL SUCH DOCUMENTS**

4

DUNN V. HYRA-PLAINTIFF Brendan Dunn's Responses to SET 1 of Discovery Requests from Defendant
Towne
LAWRENCE A. HILDES (WSBA # 35035)
P.O. Box 5405
Bellingham, WA 98227
Telephone: (360) 715-9788
Fax: (360) 714-1791

ATTORNEY FOR PLAINTIFFS

VERIFICATION TO FOLLOW

3 I, Brendan Dunn, certify and declare under penalty of perjury under the laws of the State of
4 Washington and the United States that I am a Plaintiff in this action, and that I have read the
5 answers to the foregoing interrogatories and requests for production and the answers thereto,
6 know the contents thereof, and believe all the answers to be true.

SIGNED at _____, _____, on this _____ day of
_____, 2009.

Brendan Dunn

ATTORNEY'S CR 26 CERTIFICATION

15 The undersigned attorney certifies, pursuant to Civil Rule 26(g), that he has read each
16 response and objection to these discovery requests, and that, to the best of his knowledge,
17 information, and belief formed after a reasonable inquiry, each is: (1) consistent with the
18 Federal Rules of Civil Procedure and warranted by existing law or a good-faith argument for
19 the extension, modification, or reversal of existing law; (2) not interposed for any improper
20 purpose, such as to harass or to cause unnecessary delay or needless increase in the costs of
21 litigation; and (3) not unreasonably or unduly burdensome or expensive, given the needs of the
22 case, the discovery already had in the case, the amount in controversy, and the importance of
23 the issues at stake in the litigation.

24
25 RESPONSES dated this 26th day of May, 2009 at Bellinger,

26 Washington.

Jasmine A. Hild

Lawrence A. Hildes, WSBA #35035
Attorney for Plaintiffs

33 **DUNN V. HYRA-PLAINTIFF** Brendan Dunn's Responses to SET 1 of Discovery Requests from Defendant
Towne
LAWRENCE A. HILDES (WSBA # 35035)
P.O. Box 5405
Bellingham, WA 98227
Telephone: (360) 715-9788
Fax: (360) 714-1791

PROOF OF SERVICE

3 Lawrence A. Hildes certifies as follows:
4
5 I am over the age of 18 years, and not a party to this action. I am a citizen of the United States.
6 My business address is P.O. Box 5405, Bellingham, WA 98227
7 On May 26, 2009, I served the following documents(s) described as follows
8
9 PLAINTIFF'S RESPONSES TO SET ONE OF DISCOVERY REQUESTS from Defendant
10 TOWNE
11 on the following persons(s) in this action at the following addresses:
12 HEATHER CARR
13 STAFFORD FRYE COOPER
14 601 Union Street, Suite 3100
15 Seattle WA 98101-1374
16
17 [x] (BY FIRST CLASS MAIL) by placing a true copy of the above documents in a sealed
18 envelope with postage fully prepaid in the mail at Bellingham, WA, addressed to the person(s)
19 above at the above address
20
21 [] By electronically serving, by filing an electronic copy with the court in such a way that
22 notice will be sent to counsel for Defendant
23
24 [X] (FEDERAL) I declare under penalty of perjury that I am a member of the BAR of this
25 court, and that the above information is true and correct.
26
27 Executed on May 26, 2009, at Bellingham, Washington.
28
29
30 
31
32 LAWRENCE A. HILDES
33

DUNN V. HYRA-PLAINTIFF Brendan Dunn's Responses to SET 1 of Discovery Requests from Defendant
Towne
LAWRENCE A. HILDES (WSBA # 35035)
P.O. Box 5405
Bellingham, WA 98227
Telephone: (360) 715-9788
Fax: (360) 714-1791

EXHIBIT 8

1

2 THE HONORABLE JAMES L. ROBART
3

4

RECEIVED

5

MAY 28 2009

6

7

8

STAFFORD FREY COOPER

9

10

11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE WESTERN DISTRICT OF WASHINGTON
13

14 BRENDAN DUNN, JACOB ERWIN,) NO. 2:08-cv-00978JLR
15 and RYAN TOMPKINS,) PLAINTIFF JACOB ERWIN'S
16) RESPONSES TO SET ONE OF
17 Plaintiffs,) DISCOVERY REQUESTS FROM
18) DEFENDANT TOWNE
19 v.)
20)
21 MATTHEW HYRA, CITY OF)
22 SEATTLE (SPD), et al.,)
23)
24 Defendants.)
25 _____)

26 PROPOUNDING PARTY: DEFENDANT TOWNE

27 RESPONDING PARTY: PLAINTIFF JACOB ERWIN

28 SET NO.: 1

29

30
31 COMES NOW PLAINTIFF JACOB ERWIN, IN THE ABOVE-NAMED ACTION,
32 THROUGH HIS ATTORNEY LAWRENCE A. HILDES, AND, RESPONDS TO
33 DEFENDANT TOWNE'S SET ONE OF DISCOVERY REQUESTS AS FOLLOWS:

DUNN V. HYRA-PLAINTIFF JACOB ERWIN's Responses to SET 1 of Discovery Requests from Defendant
Towne
LAWRENCE A. HILDES (WSBA # 35035)
P.O. Box 5405
Bellingham, WA 98227
Telephone: (360) 715-9788
Fax: (360) 714-1791

1

ATTORNEY FOR PLAINTIFFS

1 Plaintiffs object to the extent that Defendants have exceeded the limits for this
 2 type of discovery, or have used subparts and definitions to facilitate exceeding the
 3 limits by propounding the extreme number of 84 Requests for Admissions of this
 4 Plaintiff and even far more extreme numbers as to the other Plaintiffs and by piling
 5 massive and ridiculous numbers of sets of discovery requests and requests within
 6 those sets in order to render it impossible for Plaintiffs to fully respond .

7 Plaintiffs object to Defendants' use of discovery to vex, annoy, and abuse the
 8 legal process rather than for legitimate discovery purposes. Here, Defendants ask
 9 questions where the answers are either already contained in the document or require
 10 legal conclusions that themselves require advanced legal training. In many of these
 11 sets, Defendants have propounded interrogatories that included extensive subparts,
 12 totaling over the limit for interrogatories.

13 Finally, Plaintiffs object to counsel for Defendants deliberate propounding of
 14 these discovery requests while counsel for Plaintiffs was on vacation and during a
 15 period that counsel had filed a notice of unavailability for and then refusing to agree to
 16 an extension of time specifically to respond to these RFAs despite direct knowledge
 17 that counsel for Plaintiffs was away for several days of the period involved.

18 Discovery is ongoing, and Plaintiffs reserve the right to correct, amend,
 19 supplement or change their answers to this set of discovery as further information is
 20 revealed during the course of discovery.

21
 22

1 **RESPONSES TO DISCOVERY REQUESTS**
2 **SET ONE OF DISCOVERY REQUESTS**

3 **INTERROGATORIES**

4 1. Identify every person who participated in answering any of these interrogatories and/or
5 requests for production, designating the interrogatory(ies) and/or request(s) for production in
6 which he or she participated in answering.

7 **ANSWER:** My attorney, Lawrence A. Hildes.

8 2. State every fact that supports, negates, or relates to your allegations in Paragraph 4.10 of
9 the Complaint that Lieutenant Towne ratified and approved [the] inappropriate, illegal, and
10 tortious conduct and intentional acts of Defendants Hyra, Bales, Roberson, Skommesa, Avery,
11 Greeley, and Martin to deprive Plaintiff ERWIN of his rights, identifying each person and
12 document that you believe has information that assists in establishing each such fact..

13 **ANSWER:** PLAINTIFF objects to this interrogatory as actually constituting 7
14 interrogatories, which combined with the other interrogatories far exceeds the limit as
15 to interrogatories. Plaintiff will, therefore, answer as to this Defendant alone. Plaintiff
16 answers as follows: Defendant Hyra spoke with Defendants Towne and Martin, who
17 specifically approved his course of illegal conduct. They then observed the illegal
18 conduct by the Officers listed in the interrogatory. In addition, TOWNE then signed off
19 on the reports, knowing they were false, and made the decision to hold Plaintiff
20 ERWIN on a felony assault charge and forward that charge to the prosecutor, knowing
21 that Plaintiff ERWIN had not assaulted Hyra or anyone else. Thus Plaintiff ERWIN

DUNN V. HYRA-PLAINTIFF JACOB ERWIN's Responses to SET 1 of Discovery Requests from Defendant 3
Towne

LAWRENCE A. HILDES (WSBA # 35035)
P.O. Box 5405
Bellingham, WA 98227
Telephone: (360) 715-9788
Fax: (360) 714-1791

ATTORNEY FOR PLAINTIFFS

1 was held at the police station and the jail, without his rights being respected or
2 followed. See the reports and Defendant Hyra's answers to interrogatories
3 3. State every fact that supports, negates, or relates to your allegations in Paragraph 4.10 of
4 the Complaint that Lieutenant Towne failed to properly supervise, train, and discipline
5 Defendants Hyra, Bales, Roberson, Skommesa, Avery, and Greeley as the alleged failure relates
6 to Plaintiff ERWIN, identifying each person and document that you believe has information
7 that assists in establishing each such fact.

8 **ANSWER:** PLAINTIFF objects to this interrogatory as actually constituting 7
9 interrogatories, which combined with the other interrogatories far exceeds the limit as
10 to interrogatories. Plaintiff will, therefore, answer as to this Defendant alone. Plaintiff
11 answers as follows: Defendant Hyra spoke with Defendants Towne and Martin, who
12 specifically approved his course of illegal conduct. They then observed the illegal
13 conduct by the Officers listed in the interrogatory. In addition, TOWNE then signed off
14 on the reports, knowing they were false, and made the decision to hold Plaintiff
15 ERWIN on a felony assault charge and forward that charge to the prosecutor, knowing
16 that Plaintiff ERWIN had not assaulted Hyra or anyone else. Thus Plaintiff ERWIN
17 was held at the police station and the jail, without his rights being respected or
18 followed. See the reports and Defendant Hyra's answers to interrogatories. All of this
19 constitutes failure to properly supervise. In addition, by approving and ratifying the
20 conduct, Defendant Towne trained Defendants to engage in specifically

1 Constitutionally violative conduct. In addition, there is no evidence that any of the
2 Defendants were ever investigated or disciplined for any aspect of this incident.

3

4 4. In Paragraph 2.24 (page 13, ll. 1-2) of the Complaint, you state These actions
5 were ratified by supervising Defendants MARTIN, HAYES, and TOWNES. State every fact
6 that supports, negates, or relates to this allegation as it relates to Lt. Townes actions with
7 respect to Plaintiff ERWIN, identifying each person and document that you believe has
8 information that assists in establishing each such fact.

9 **ANSWER:** See response to interrogatory 3 above..

10 5. **State all claims asserted by Plaintiff ERWIN against Lt. Towne, and, as to**
11 **each, set forth each and every fact that supports, negates, or relates to such claim.**

12 **ANSWER:** Plaintiff answers as follows: Defendant TOWNE approved Hyra's
13 course of conduct as his supervisor in advance, leading directly to all of the harm
14 involved. In addition, TOWNE then signed off on the reports, knowing they were false,
15 and made the decision to hold Plaintiff ERWIN on an obstruction charge and forward
16 that charge to the prosecutor, knowing that Plaintiff ERWIN had not obstructed Hyra
17 or anyone else. Thus Plaintiff ERWIN was held at the police station and the jail,
18 without his rights being respected or followed. Defendant Towne acted to legitimize
19 and signed off on Hyra's wrongful seizure of Plaintiff Dunn's flag, unjustified by law,
20 and then the unlawful arrest of ERWIN, which he lied about. In addition, Defendant

1 Towne continued to supervise Defendants' actions in relation to this incident,
2 subsequent to Plaintiffs' arrests. Therefore, Defendant Towne is liable for the Civil
3 Rights Violations, as well as all of the Torts, since they directly resulted from his
4 supervision. See Plaintiff's claims, Defendants reports, and discovery responses of
5 Hyra.

6

7 6. Below you will find requests for production. For each document that is
8 responsive to the requests for production which you either produced in redacted form or did not
9 produce at all, identify the document and the basis for the redaction or failure to produce it.

10 **ANSWER:** In addition to the above documents, see the letter from the attorney for the
11 Seattle Police Department to counsel for Plaintiff's re: the alert code on Plaintiff Dunn.

VI. REQUESTS FOR PRODUCTION

13. 1. Produce any document identified in any of the answers to the preceding interrogatories.

14 RESPONSE: PLAINTIFF WILL PRODUCE ALL SUCH DOCUMENTS

15 2. Produce a copy of any document you reviewed in answering any of the preceding
16 interrogatories and/or preceding or subsequent requests for production irrespective of whether
17 you obtained any part of your answer or response from that document.

18 RESPONSE: PLAINTIFF WILL PRODUCE ALL SUCH DOCUMENTS

19 3. Produce all documents that you contend support, or lend support to, any of your
20 responses to the above interrogatories.

21 RESPONSE: PLAINTIFF WILL PRODUCE ALL SUCH DOCUMENTS

- 1 4. Produce all documents that you contend support, negate, or relate to the claims asserted
- 2 by Plaintiff ERWIN against LT. Towne.

3 **RESPONSE: PLAINTIFF WILL PRODUCE ALL SUCH DOCUMENTS**

4

**DUNN V. HYRA-PLAINTIFF JACOB ERWIN's Responses to SET 1 of Discovery Requests from Defendant
Towne**
LAWRENCE A. HILDES (WSBA # 35035)
P.O. Box 5405
Bellingham, WA 98227
Telephone: (360) 715-9788
Fax: (360) 714-1791

ATTORNEY FOR PLAINTIFFS

VERIFICATION TO FOLLOW

3 I, JACOB ERWIN, certify and declare under penalty of perjury under the laws of the State of
4 Washington and the United States that I am a Plaintiff in this action, and that I have read the
5 answers to the foregoing interrogatories and requests for production and the answers thereto,
6 know the contents thereof, and believe all the answers to be true.

SIGNED at _____, _____, on this _____ day of
_____, 2009.

JACOB ERWIN

ATTORNEY'S CR 26 CERTIFICATION

15 The undersigned attorney certifies, pursuant to Civil Rule 26(g), that he has read each
16 response and objection to these discovery requests, and that, to the best of his knowledge,
17 information, and belief formed after a reasonable inquiry, each is: (1) consistent with the
18 Federal Rules of Civil Procedure and warranted by existing law or a good-faith argument for
19 the extension, modification, or reversal of existing law; (2) not interposed for any improper
20 purpose, such as to harass or to cause unnecessary delay or needless increase in the costs of
21 litigation; and (3) not unreasonably or unduly burdensome or expensive, given the needs of the
22 case, the discovery already had in the case, the amount in controversy, and the importance of
23 the issues at stake in the litigation.

25 RESPONSES dated this ____ day of _____, 2009 at _____,
26 Washington.

Lawrence A. Hildes, WSBA #35035
Attorney for Plaintiffs

33 **DUNN V. HYRA**-PLAINTIFF JACOB ERWIN's Responses to SET 1 of Discovery Requests from Defendant
Towne

LAWRENCE A. HILDES (WSBA # 35035)
P.O. Box 5405
Bellingham, WA 98227
Telephone: (360) 715-9788
Fax: (360) 714-1791

PROOF OF SERVICE

Lawrence A. Hildes certifies as follows:

I am over the age of 18 years, and not a party to this action. I am a citizen of the United States.

My business address is P.O. Box 5405, Bellingham, WA 98227

On May 26, 2009, I served the following documents(s) described as follows:

PLAINTIFF'S RESPONSES TO SET ONE OF DISCOVERY REQUESTS from Defendant TOWNE
on the following persons(s) in this action at the following addresses:

on the following persons(s) in this action at the following addresses:

HEATHER CARR
STAFFORD FRYE COOPER
601 Union Street, Suite 3100
Seattle WA 98101.1374

[x] (BY FIRST CLASS MAIL) by placing a true copy of the above documents in a sealed envelope with postage fully prepaid in the mail at Bellingham, WA, addressed to the person(s) above at the above address

[] By electronically serving, by filing an electronic copy with the court in such a way that notice will be sent to counsel for Defendant

[X] (FEDERAL) I declare under penalty of perjury that I am a member of the BAR of this court, and that the above information is true and correct.

Executed on May 26, 2009, at Bellingham, Washington

LAWRENCE A. HILDES

LAWRENCE A. HILDES

DUNN V. HYRA-PLAINTIFF JACOB ERWIN's Responses to SET 1 of Discovery Requests from Defendant Towne

Towne
LAWRENCE A. HILDES (WSBA # 35035)
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